

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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DEC 23 1999

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Winslow, Camp Verde,  
Sun City West, and Mayer, Arizona)

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 99-246  
RM - 9593  
RM - 9770

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**SUPPLEMENT TO**  
**"COMMENTS AND ALTERNATE PROPOSAL"**

Desert West Air Ranchers Corporation ("Petitioner"), permittee of Station KFMR(FM), Winslow, Arizona, by its counsel, hereby submits a Supplement which responds to the "Reply Comments and Withdrawal of Objection" filed by Capstar Royalty II Corporation ("Capstar"). This Supplement proposes a new transmitter site for KFMR to serve Sun City West in response to the withdrawal of Capstar's expression of interest in a Class C station at Yuma. Petitioner has submitted a separate motion to accept this Supplement. In support hereof, Petitioner states as follows:

1. On August 23, 1999, Petitioner submitted a proposal to change the city of license for Station KFMR(FM) to Sun City West, Arizona at a transmitter site which protected Station KTTI(FM), at Yuma, Arizona as a Class C station. Petitioner explained that the Yuma Class C allotment had been granted nine years ago but the station was never constructed as a Class C facility

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and did not have an application pending. Nevertheless, Petitioner offered to protect the Class C allotment but requested a change in the reference point.<sup>1</sup>

2. Initially, in its Reply Comments of September 7, 1999, Capstar stated that it would apply for the Class C facility and opposed Petitioner's suggested change in reference point. However in its Reply Comments of November 19, 1999, Capstar has now decided that it will not pursue an upgrade to Class C facilities. As a result, Petitioner requests that the Commission delete Channel 236C from Yuma and maintain KTTI's existing Class C3 allotment.

3. In its Comments of August 23, 1999, Petitioner specified a transmitter site location which provided principal community coverage to all of Sun City West based on the standard prediction method set forth in Section 73.313 of the Commission's Rules. However, Petitioner's proposed site exceeded the 67.7 km distance that the Commission uses when the ultimate transmitter site is not known. In its Reply Comments of November 19, 1999, Petitioner argued that the Commission should allow Petitioner to use a different method to predict coverage based on Section 73.313 instead of the circular prediction method particularly in view of the fact that Petitioner specified a transmitter site that it could use. However, now that Capstar has withdrawn its interest

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1. In view of the fact that the Commission is generally reluctant to delete a previously allotted channel where there is an interest expressed in applying for the channel, Petitioner proposed an alternative community -- Mayer, Arizona -- which did not depend on the change in the Yuma Class C reference point. Petitioner would have preferred to file one proposal specifying Sun City West. However due to the Commission's failure to take some action with respect to this long vacant Yuma Class C allotment and without knowing whether the Yuma licensee was interested in filing for the Class C facility, Petitioner was uncertain as to how the Commission would deal with this matter. Accordingly, Petitioner submitted alternate proposals. Should the Commission grant the Sun City West proposal, it need not rule on the Mayer proposal. If Sun City West is not granted, Petitioner reaffirms its interest in serving Mayer. In that regard, Petitioner would prefer to have the new transmitter site location proposed here for use at Mayer as well.

in a Class C allotment and that channel can now be deleted, the issue of the proper method to predict principal community coverage is no longer relevant and can be avoided. Instead, Petitioner is now able to specify a transmitter site which is located less than the 67.7 km maximum distance from the community.

4. According to the attached Engineering Statement, Petitioner's new reference point is 67.07 km from the furthest boundary of Sun City West. This distance is based on a maximum Class C facility and Petitioner intends to construct a maximum Class C station. In addition, the new coordinates provide a clearance of 34.9 km to Station KTTI as a Class C3. By allowing this large amount of clearance, Petitioner has provided for a possible future upgrade by Station KTTI to Class C2 at its current site. The new KFMR transmitter site complies with the Commission's distance separation rule in Section 73.207. See Exhibit 1. Further, the proposed facility will provide principal community coverage to all of Sun City West based on the circular prediction method limit of 67.7 km. See attached Engineering Statement. Accordingly, Petitioner respectfully requests that the Commission accept this amended transmitter site location and protect the new set of coordinates.<sup>2</sup>

5. As stated earlier, Petitioner could not have submitted this Supplement at an earlier stage in the proceeding because the Class C allotment at Yuma restricted Petitioner's ability to move closer to Sun City West. Petitioner argued that the Commission should not have protected the vacant Class C allotment for nine years. Now due to the licensee's withdrawal of its interest in a Class C station, the Commission does not need to rule on whether to continue to protect the Class C allotment.

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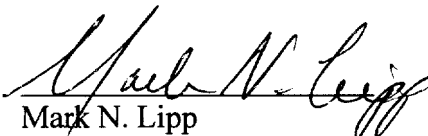
2. This new transmitter site will also provide a predicted 70 dBu signal to Mayer. See Engineering Statement.

6. In the past, the Commission has allowed late filed changes to a petition where no other conflicting proposal is affected. See Boalsburg, Pennsylvania et al. 7 FCC Rcd 7653 (1992); Scottsboro, Alabama, et al., 6 FCC Rcd 6111 (1991). Here, no other party has a conflicting proposal on file. Thus, no other party would be prejudiced by Commission acceptance of the new proposed transmitter site location for Sun City West.

7. Accordingly, Petitioner respectfully urges the Commission to accept this Supplement for consideration in this proceeding and to permit the amended transmitter site location for Sun City West.

Respectfully Submitted,

DESERT WEST AIR RANCHERS CORPORATION

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Its Counsel

December 23, 1999

**SUPPLEMENTAL TECHNICAL ANALYSIS**  
**KFMR SUN CITY WEST, ARIZONA**

Desert West Air Ranchers Corporation ("Desert"), permittee of FM Station KFMR, Winslow, Arizona, hereby offers its Supplemental Technical Analysis for its Reply Comments filed on November 19, 1999 (the "Reply") which proposed to change the Community of License of FM Station KFMR from Winslow, Arizona to **Sun City West**, Arizona.

**SUN CITY WEST**

Capstar Royalty II Corporation ("Capstar"), licensee of station KTTI(FM), Yuma, Arizona originally filed its comments opposing Desert's proposal because it required new reference coordinates for the Class C allocation reserved for KTTI. However, in its reply comments dated November 19, 1999 ("Capstar Reply"), Capstar has not only withdrawn its previous objection to Desert's proposal, but it has determined that "upgrading KTTI(FM) to Class C facilities is not practicable, and therefore, Capstar will not pursue such an upgrade".

Since the unused KTTI Class C allocation severely limited site selection for KFMR, its deletion would now provide Desert much greater latitude in site selection for KFMR to serve **Sun City West**. Therefore, Desert proposes a new site for KFMR ("**Site One**") at **Sun City West** as follows:

**34-14-33 N 112-21-53 W.**

**EXHIBIT 1** hereto shall demonstrate that the **Site One** is fully spaced to all domestic and international allocations except for the proposed deletion of Channel 236C at Yuma and all full service facilities including the existing facilities of KTTI(FM) at Yuma, Arizona.

**EXHIBIT 2** shall demonstrate that **Sun City West**, whose southern edge is located 67.07 km from **Site One**, is entirely located within the 70 dBu contour of Class C KFMR (67.7 km) from **Site One** utilizing the uniform terrain concept (flat earth) which predicts coverage utilizing only the reference facilities for the station class and a circular 70 dBu contour. Utilizing appropriate facilities, there are no major terrain obstructions between **Site One** and **Sun City West**.

Due to close proximity of **Sun City West** to the edge of the 67.7 km reference contour, **EXHIBIT 3** shows the **Sun City West** community boundaries and, specifically, the two furthest points from **Site One** which are the SouthWest and SouthEast corners of the community. The SouthWest corner has the coordinates of 33-38-19 N 112-20-57 W which is 66.98 km from **Site One**. The SouthEast corner has the coordinates of 33-38-19 N 112-19-26 W which is 67.07 km from the **Site One**. Therefore, **Sun City West** is entirely located within the 70 dBu class contour distance for maximum Class C facilities of 67.7 km.

### **MAYER**

In the event that the Commission does not adopt the **Sun City West** proposal as set forth above, Desert still proposes that, in the alternative, KFMR be allotted to Mayer, Arizona using the same coordinates as **Site One**. Mayer is located only 22 kilometers north of **Site One** and is well within the 67.7 km Class C 70 dBu class contour. Utilizing appropriate facilities, there are no major terrain obstructions between **Site One** and Mayer.

While not as desirable as **Site One**, Mayer could also be served by the site proposed in Desert's Reply which is located at **34-16-35 N 112-07-30 W** ("Site Two"). Included in the Reply were Exhibits which showed that the proposal was fully spaced to all allocations and facilities except the unused Class C allocation at Yuma, Arizona. Mayer is located only 17 kilometers northwest of Site Two and is well within the 67.7 km Class C 70 dBu class contour. Utilizing appropriate facilities, there are no major terrain obstructions between Site Two and Mayer. Furthermore, due to Capstar's withdrawal of its previous objection to Desert's proposal, there is no opposition to Desert's use of Site Two at Mayer.

### **KTTI(FM) YUMA, ARIZONA**

Even though Capstar is abandoning its reserved allocation for Class C facilities at KTTI, Yuma, Arizona, any of Desert's proposals will enable KTTI to seek an upgrade from Class C3 to a Class C2 at its current site.

**EXHIBIT 1**  
**MILEAGE SEPARATIONS**  
**KFMR FM**  
**CLASS C FM CHANNEL 236**  
**SUN CITY WEST, ARIZONA**  
**MAYER, ARIZONA**

**KFMR CHANNEL 236 CLASS C**  
**SUN CITY WEST, ARIZONA**  
**MAYER, ARIZONA**

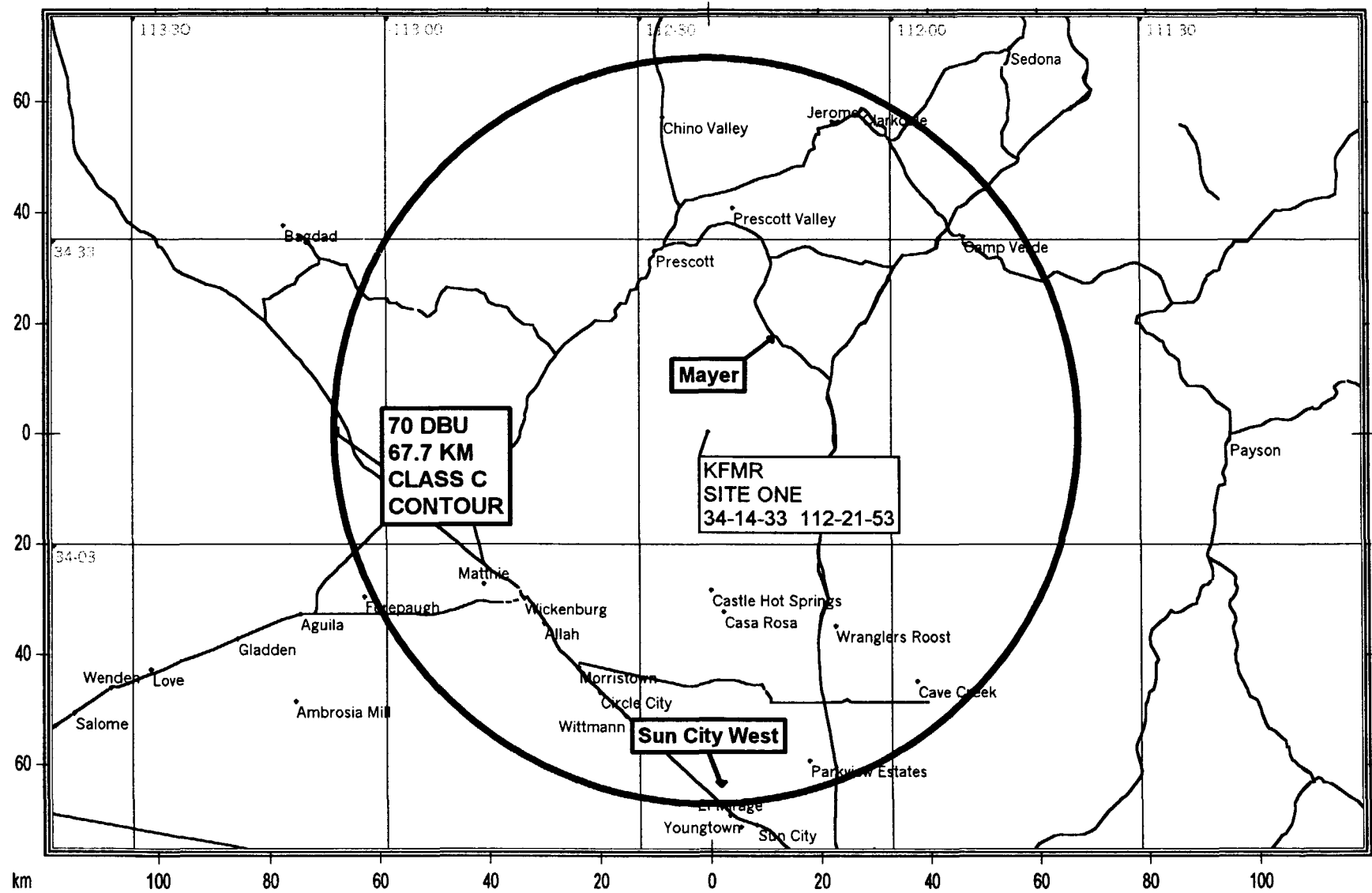
MAPFM search of channel 236C (95.1 MHz), at **N. 34 14 33, W. 112 21 53.**

Searching Channel 236C (95.1 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KOOLFM	Phoenix	AZ	233	C	L	104.6	105.0	164.4°	-0.4
ALC	Phoenix	AZ	233	C	U	104.6	105.0	164.4°	-0.4
K235AI	Mayer	AZ	235	D	C	1.0	0.0	194.0°	1.0
KFMR	Winslow	AZ	236	C	L	112.5	270.0	44.3°	-157.5
ALC	Winslow	AZ	236	C	U	175.7	270.0	60.4°	-94.3
FA	Winslow	AZ	236	C	D	175.7	270.0	60.4°	-94.3
KFMR	Mayer	AZ	236	C	A	38.1	270.0	59.5°	-231.9
KFMR	Sun City West	AZ	236	C	A	22.4	270.0	80.3°	-247.6
ALC	Yuma	AZ	236	C	U	252.8	270.0	226.5°	-17.2
KFMR	Camp Verde	AZ	236	C	A	112.4	270.0	44.3°	-157.6
K237AU	Prescott	AZ	237	D	L	31.6	0.0	329.8°	31.6
ALC	Phoenix	AZ	238	C	U	104.5	105.0	164.4°	-0.5(0.49)
KYOTFM	Phoenix	AZ	238	C	L	104.5	105.0	164.4°	-0.5(0.49)
ALC	Cottonwood	AZ	289	C3	U	54.3	31.0	24.7°	23.3
KVRDFM	Cottonwood	AZ	289	C3	L	54.3	31.0	24.9°	23.3

**EXHIBIT 2**  
**CLASS C CONTOUR**  
**KFMR FM**  
**CLASS C FM CHANNEL 236**  
**SUN CITY WEST, ARIZONA**

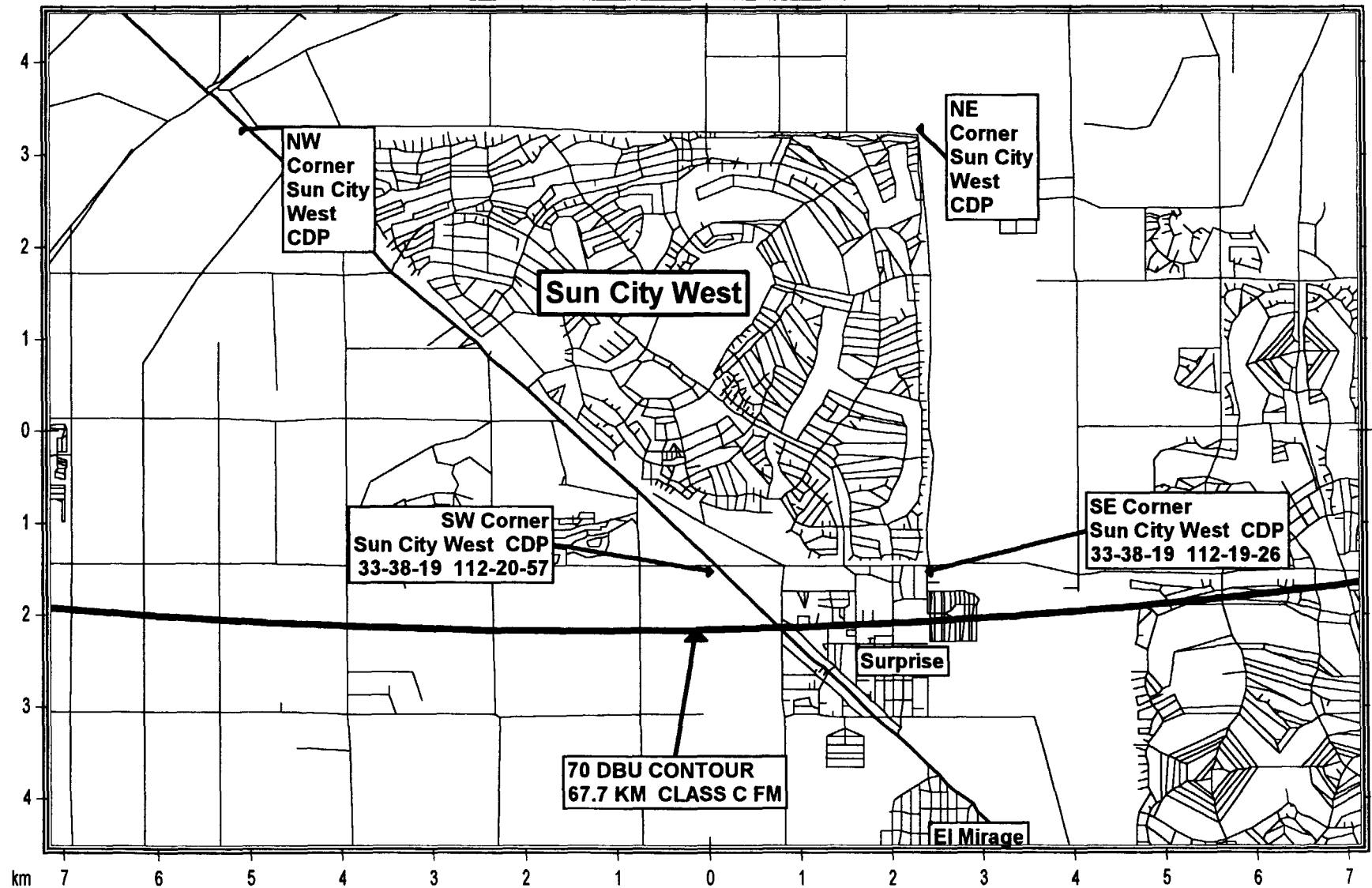
Tuesday, December 21, 1999



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**EXHIBIT 3**  
**SUN CITY WEST**  
**CDP BOUNDARIES**  
**KFMR FM**  
**CLASS C FM CHANNEL 236**  
**SUN CITY WEST, ARIZONA**



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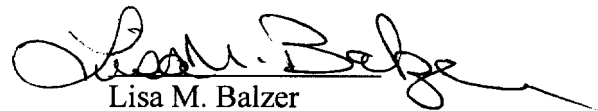
## CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 23rd day of December, 1999 caused to be mailed by first class mail, postage prepaid, copies of the foregoing **"REPLY COMMENTS"** to the following:

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